

**Notice of Allowability**

Application No.

10/065,866

Examiner

Robert G. Santos

Applicant(s)

VARADHARAJULU ET AL.

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 16 June 2005.
2. ☒ The allowed claim(s) is/are 1, 3-12 and 14-36, now renumbered as claims 1-34.
3. ☒ The drawings filed on 18 February 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 06162005
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**ROBERT G. SANTOS**  
**PRIMARY EXAMINER**

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The examiner respectfully agrees with Applicants' arguments on pages 18-36 of their amendment stating that one of ordinary skill in the art would not have found it obvious at the time the invention was made to provide the respective patient positioning systems of Nonaka et al. '760 as modified by Uosaki et al. '893 and as further modified by King et al. '862, of Nonaka et al. '760 as modified by Pattee '428 and as further modified by King et al. '862, and of Nonaka et al. '760 as modified by King et al. '862, with a control subsystem which is capable of performing iso-center tracking by *simultaneously* activating an associated *lift* subsystem, *tilt* subsystem, and *longitudinal* subsystem as explicitly recited in Applicants' independent claims 1, 12, 17 and 25; nor would it have<sup>b</sup> obvious to one of ordinary skill in the art at the time the invention was made to modify the patient positioning system of Nonaka et al. '760 as modified by Kamata '600 and as further modified by King et al. '862, of Nonaka et al. '760 as modified by Pattee '428 and as further modified by King et al. '862, and of Nonaka et al. '760 as modified by King et al. '862, to include one or more encoders and an electromagnetic brake which is configured to prevent the *tilt* subsystem *from collapsing* by sensing signals *from the encoders* as particularly recited in Applicants' independent claims 3, 4 and 11. Since claims 8, 19 and 26-36 were allowed in the previous Office action filed November 26, 2004 and an updated search of the prior art did not yield any other references pertinent to Applicants' claims, it is considered that the application is currently in full and proper condition for allowance.


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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
August 20, 2005